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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,324	04/20/2004	Shabbir Attarwala	LC-487 US	4041

7590 09/12/2006

HENKEL CORPORATION
Legal Department
1001 Trout Brook Crossing
Rocky Hill, CT 06067

EXAMINER

BUTTNER, DAVID J

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/827,324

Applicant(s)

ATTARWALA ET AL.

Examiner

David Buttner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 and 11-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10 and 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10 and 23-25 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

“anaerobic cure-inducing composition” is unclear and never specifically defined in the specification. Further confusing the term is applicant’s response of 7/10/06 (page 13) which indicates stabilizers would qualify. Stabilizers generally prevent polymerization not induce it.

Claims 10 and 23-25 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ikeguchi’086.

Ikeguchi suggests (abstract) curable compositions of polyfunctional cyanate esters, a polyfunctional acrylate and a polyfunctional maleimide. Peroxides can be included (col 7 line 64) which qualify as applicant’s (d) (see paragraph 56 of spec). The cyanate esters typically have an aromatic backbone (col 2 line 31-43). Ikeguchi’s composition inherently must have room temperature curability if placed between metal surfaces, because his composition corresponds to that claimed by applicant.

Claims 10 and 23-25 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gaku ‘304.

Gaku suggests (abstract) curable compositions of polyfunctional cyanate esters, an acrylate and a polyfunctional maleimide. Peroxides can be included (col 5 line 19) which qualify as applicant’s (d) (see paragraph 56 of spec). The cyanate esters typically

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have an aromatic backbone (col 2 line 29-41). Note that example 4 meets applicant's claims immediately before Gaku adds the zinc octylate. Gaku's composition inherently must have room temperature curability if placed between metal surfaces, because his composition corresponds to that claimed by applicant.

Claims 10 and 23-25 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ayano '903.

Ayano (abstract) suggests photocurable compositions of cyanate ester, acrylate, maleimide and photoinitiator. The photoinitiator qualifies as a cure inducing composition. The blend is curable under mild conditions (col 10 line 68). Heat curing is not necessary (see example 10).

Claims 10 and 23-25 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Sugio '186.

Sugio (table 2) exemplifies blends of PPE, maleimide, cyanate ester and acrylate. The composition is placed between two copper foils. Although these examples are heat cured, the composition must inherently have the ability to cure at room temperature because Sugio's composition corresponds to that of applicant. Also note that Sugio suggests radiation (ie non heat) curing (col 10 line 8).

Applicant's arguments filed 7/13/06 have been fully considered but they are not persuasive.

Applicant argues Ikeguchi and Gaku require a heat cure rather than a room temperature cure between between surfaces at least one of which is metallic.

This is not convincing. Applicant is merely claiming a composition or a method of making the composition by combining the ingredients. Applicant does not require any particular cure be actually performed. Applicant is not claiming a method of curing at room temperature. Only the inherent ability to room temperature cure on a metal substrate is required. An anticipatory reference need not recognize this ability (MPEP 2112). The reference appears to be the same combination of ingredients claimed by applicant and must inherently have such ability regardless of whether the author recognized this ability or not.

The two new rejections suggest radiation cures which would not require heat.

This application contains claims 1-9 and 11-22 drawn to an invention nonelected with traverse in response 7/13/06. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Buttner whose telephone number is 571-272-1084. The examiner can normally be reached on weekdays from 10 to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAVID J. BUTTNER
PRIMARY EXAMINER

David Buttner

9/7/06

